

REMARKS

The present communication responds to the Notice of Non-Compliant Amendment dated October 17, 2008. The Applicants note that a Response and a Supplemental Response were filed responding to the Office Action dated May 21, 2008. To expedite prosecution of the present application, this response combines the comments of both the Response and the Supplemental Response and adds the text of withdrawn claims 1-8 and 16-30.

Claims 9-15 have been rejected under 35 U.S.C. §112, second paragraph. Claims 9 and 10 have herewith been amended. Reconsideration of these claims is respectfully requested.

Claims 9-15 have been rejected under 35 U.S.C. §102(b) as being anticipated by JP'404 (JP-2000103404). Reconsideration of these claims is respectfully requested.

The Examiner references U.S. 6,349,848 (the '848 patent) as serving as an English translation of JP'404. The Applicants thus refer to the '848 patent to discuss the teachings of JP'404.

JP'404 discloses a medicine supply apparatus with a mechanism for unsticking stuck medicines. The apparatus includes a controller 76 that detects a lock state caused by the stuck medicines. The controller 76 then causes a backward/forward rotating operation to cause the stuck medicines to drop:

When the medicines are held and stuck between the discharge port 69 and the discharge drum 53 during the dispensing operation, the motor 61 is locked, and an excess lock current flows. The controller 76 detects the lock state from the current supplied to the motor 61 by the excess current detection circuit 78. Subsequently, as shown in a timing chart of FIG. 15, at the time the lock state occurs the control circuit 77 rotates backward the motor 61 for a short period to rotate backward the discharge drum 53. Subsequently, the motor 61 is similarly rotated forward for a short period to rotate forward the discharge drum 53.

By repeating the backward/forward rotating operation several times, the stuck medicines drop (lock cancellation), the medicine detection sensor 66 generates (on) the medicine detection signal, and the controller 76 then returns the motor 61 to normal control (forward rotation) again.

'848 Patent, Col. 8, ll. 31-47.

Claim 9 is patentable by calling for “a control device ... wherein the control device performs an abnormality detection operation in which the motor is energized so as to be rotated in reverse for a predetermined period of time which is sufficiently shorter than a time interval during which medicine is discharged and then rotated forward for the predetermined period of time and determines disconnection of the motor on the basis of an energized current for the motor during the abnormality detection operation.”

Contrary to the assertion of the Examiner, JP’404 does not disclose an abnormality detection operation in which a motor is energized so as to be rotated in reverse for a predetermined period of time which is sufficiently shorter than a time interval during which medicine is discharged. JP’404 discloses “repeating the backward/forward rotating operation several times” until “the stuck medicines drop.” *The ‘848 Patent, Col. 8, ll. 43-45*. This is necessarily sufficiently long to cause the medicine to be discharged.

The rotation for a period of time shorter than a time required for discharging medicine is an important feature of the medicine supply apparatuses called for in Claims 9 and 10. The specification of the application discusses:

As the time interval for reverse rotation and forward rotation in the abnormality detection operation is sufficiently shorter than the time interval during which medicine is discharged, medicine cannot be discharged by mistake. Further, as a motor is firstly rotated in reverse, even if the next medicine, with respect to the previous discharge operation, is on the verge of being discharged, the medicine cannot be discharged by mistake.

U.S. 2006/0230710, para. 0031, emphasis added.

Claim 10 is patentable for reasons similar to Claim 9 by calling for “a control device ... wherein the control device has an abnormality detection mode in which at least one of the driving motors is driven for a predetermined period of time which is shorter than a time required for the motor to be rotated for discharging medicine, an energized current for the motor is measured, and an abnormality of the motor is detected on the basis of the measured value of the energized current for the motor.”

Claims 11-15 depend from Claim 10 and are patentable for the same reasons as Claim 10 and by reason of the additional limitations called for therein.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

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